

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT D. KLINE, J.D.

Plaintiff,

v.

WELLS FARGO BANK, National Assoc.

Defendant.

Civil Action No.

**WELLS FARGO BANK, N.A.'S NOTICE
OF REMOVAL OF ACTION UNDER 28
U.S.C. § 1331 (FEDERAL QUESTION
JURISDICTION)**

Action Filed: March 3, 2017

Removed:

Trial Date: None Set

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA AND PLAINTIFF:**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Wells Fargo Bank, N.A. removes the above-captioned action from the Snyder County Court of Common Pleas, to the United States District Court, Middle District of Pennsylvania. Defendant is entitled to removal pursuant to 28 U.S.C. § 1331, based on federal question jurisdiction. In support of this Notice of Removal, Wells Fargo states as follows:

1. On or about March 3, 2017, an action was commenced in the Snyder County Court of Common Pleas entitled *Robert D. Kline, J.D. v. Wells Fargo Bank, National Assoc.*, Civil Action No. cv-2-2017 (the "State Court Action"). Plaintiff asserts claims for (1) Violation of the Telephone Consumer Protection Act (47 U.S.C. §227 *et seq.*), Trespass to Chattels, and Invasion of Privacy. A copy the pleadings in the State Court Action, including summons and complaint, are attached to this Notice as Exhibit A.

2. This Notice of Removal is timely under 28 U.S.C. § 1446(b) and Fed. R. Civ. P. 6(a)(3) because the State Court Action was served on March 7, 2017. Therefore, this notice of removal is filed within thirty days after service and within one year of the original filing of the complaint. Plaintiff has consented to allow Wells Fargo through and including April 25, 2017 to respond to the Complaint.

3. This Court has subject matter jurisdiction over this action and all claims asserted against Defendant pursuant to 28 U.S.C. §§ 133, and removal is proper pursuant to 28 U.S.C. § 1441.

4. Venue in this Court is proper pursuant to 28 U.S.C. §1441(a), which allows a defendant to remove “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.” The United States District Court for the Middle District of Pennsylvania is the federal judicial district and division embracing the Snyder County Court of Common Pleas, where the State Court Action was originally filed.

5. Pursuant to 28 U.S.C. §§ 1446(d), Defendant is filing this notice of removal with this Court, serving a copy of this notice upon Plaintiff, and filing a copy in the Snyder County Court of Common Pleas. Written notice of the filing of this Notice of Removal is also being provided to Plaintiff, as well as the Prothonary of the Snyder County Court of Common Pleas. A copy of the written notice of the filing of this Notice of Removal is attached as Exhibit B.

Federal Question Jurisdiction

6. The Complaint names a claim for violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”). The claim therefore presents a federal question within the meaning of 28 U.S.C. § 1331, as it arises under the laws of the United States. *See Mims v.*

Arrow Financial Services, LLC, 132 S. Ct. 740, 753 (2012) (holding federal courts have original jurisdiction to hear TCPA claims pursuant to 28 U.S.C. § 1331.)

7. Defendant Wells Fargo reserves all of its defenses, including, without limitation, the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant Wells Fargo Bank, N.A. prays that the State Court Action be removed from state court to this Court and that this Court assume jurisdiction over the action and determine it on the merits.

Dated this 6th day of April, 2017

BALLARD, SPAHR, ANDREWS & INGERSOLL

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